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# **Senate Education Committee**

## **IDAPA 08 - STATE BOARD OF EDUCATION**

### **08.03.01 - RULES OF THE PUBLIC CHARTER SCHOOL COMMISSION**

#### **DOCKET NO. 08-0301-0401 (NEW CHAPTER)**

#### **NOTICE OF RULEMAKING - TEMPORARY RULE**

### **The Following Notice Was Published With The Temporary And Proposed Rule**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 21, 2004.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-5213, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**SB 1444 provides for sweeping reform of public charter schools in Idaho. The legislation provides for a newly formed seven-member committee appointed by the Governor. The committee can act as a chartering and oversight entity for new charter schools. These rules would set out the parameters of their governance and oversight authority.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: To be in compliance with amendments to governing law.

SB 1444 took effect immediately upon signing by the Governor. In order for the newly formed Public Charter School Commission to operate their meetings, they need to have rules in place prior to the next legislative session.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: NA

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the emergency clause in SB1444 required the rules to be in place immediately.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed

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rule, contact Karen Echeverria at (208) 332-1567.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 12th day of August, 2004.

Karen L. Echeverria  
Policy and Governmental Affairs Officer  
Office of the State Board of Education  
650 West State Street, Rm. 307  
Boise, Idaho 83720  
(208 )332-1567  
fax: (208) 334-2632

### THE FOLLOWING IS THE TEXT OF THE PENDING RULE

#### **IDAPA 08 TITLE 03 CHAPTER 01**

#### **08.03.01 - RULES OF THE PUBLIC CHARTER SCHOOL COMMISSION**

##### **000. LEGAL AUTHORITY.**

The Public Charter School Commission, in accordance with Section 33-5213, Idaho Code, adopts these rules. (7-21-04)T

##### **001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 08.03.01, "Rules of the Public Charter School Commission". (7-21-04)T

**02. Scope.** These rules provide the requirements for the governance and administration of the Public Charter School Commission. (7-21-04)T

##### **002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, written interpretations of the rules of this chapter, if any, are available at the offices of the Public Charter School Commission. (7-21-04)T

##### **003. ADMINISTRATIVE APPEALS.**

The provisions of Title 33, Chapter 52, Idaho Code, and IDAPA 08.02.04, "Rules Governing

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Public Charter Schools,” govern appeals from decisions of the Commission. (7-21-04)T

**004. INCORPORATION BY REFERENCE.**

No documents have been incorporated by reference into these rules. (7-21-04)T

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

The Public Charter School Commission is located in the offices of the Idaho State Board of Education. (7-21-04)T

**01. Office Hours.** The Board offices are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. (7-21-04)T

**02. Street Address.** The offices of the Board are located at 650 W. State Street, Boise, Idaho. (7-21-04)T

**03. Mailing Address.** The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037. (7-21-04)T

**04. Telephone Number.** The telephone number of the Board is (208) 334-2270. (7-21-04)T

**05. Facsimile.** The Board’s FAX number is (208) 334-2632. (7-21-04)T

**06. Electronic Address.** The Board’s web address is [www.idahoboardofed.org](http://www.idahoboardofed.org). (7-21-04)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

Commission records are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (7-21-04)T

**007. -- 099. (RESERVED).**

**100. DEFINITIONS.**

**01. Board.** The Idaho State Board of Education or its designee. (7-21-04)T

**02. Commission.** The Public Charter School Commission or its designee. (7-21-04)T

**101. -- 199. (RESERVED).**

**200. PROCEEDINGS BEFORE THE COMMISSION.**

Proceedings or other matters before the Commission or its duly appointed hearing officer are governed by the provisions of Title 33, Chapter 52, Idaho Code, IDAPA 08.02.04, and these rules. (7-21-04)T

**201. COMMUNICATIONS WITH COMMISSION.**

All written communications and documents intended to be part of an official record of decision in any proceeding before the Commission of any hearing officer appointed by the Commission must

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be filed with the individual designated by the agency. Unless otherwise provided by statute, rule, order, or notice, documents are considered filed when received by the officer designated to receive them, not when mailed or otherwise transmitted. (7-21-04)T

### **202. COMPUTATIONS OF TIME.**

Whenever statute, these or other rules, order, or notice requires an act be done within a certain number of days of a given day, the given day is not included in the count, but the last day of the period so computed is included in the count. If the day the act must be done is Saturday, Sunday, or a legal holiday, the act may be done on the first day following that is not a Saturday, Sunday, or legal holiday. (7-21-04)T

### **203. BOARD MEETINGS -- MAJORITY -- CHAIRMAN.**

**01. Majority.** A simple majority of members voting shall be sufficient to decide any matter pending before the Commission. (7-21-04)T

**02. Chairman Vote.** The chairman shall vote only when necessary to break a tie. (7-21-04)T

### **204. -- 999. (RESERVED).**